

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

JOSEPH D. HERNANDEZ,

Plaintiff,

-against-

ORDER
CV-09-5549(SJF)(WDW)

RICHARD DORMER, Commissioner, Suffolk
County New York Police Department, et al.

Defendants.

X

FEUERSTEIN, J.

Pending before the Court is the Report and Recommendation ("the Report") of Magistrate Judge William D. Wall, dated July 7, 2010, recommending that plaintiff's motion pursuant to Rule 15(a) of the Federal Rules of Civil Procedure to amend his complaint to add a new defendant, Peter C. Stein, his court-appointed attorney in state court proceedings against him, be denied. No objections to the Report have been filed. For the reasons stated herein, the Court accepts Magistrate Judge Wall's Report in its entirety.

I

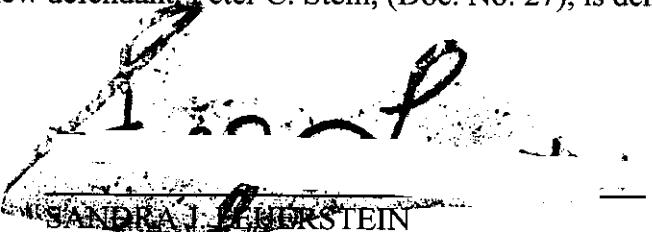
Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the

magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error apparent on the face of the record. See Fed. R. Civ. P. 72(b); Johnson v. Goord, 487 F.Supp.2d 377, 379 (S.D.N.Y. 2007), aff'd, 305 Fed. Appx. 815 (2d Cir. Jan. 1, 2009); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed.Appx. 374 (2d Cir. 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

II

No party has filed any objections to Magistrate Judge Wall's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Wall's Report in its entirety. For the reasons set forth therein, plaintiff's motion to amend his complaint to add a new defendant, Peter C. Stein, (Doc. No. 27), is denied.

SO ORDERED.


SANDRA L. FEUERSTEIN
United States District Judge

Dated: August 13, 2010
Central Islip, New York